

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

J.S. , a minor, by and through her parents,
TERRY SNYDER, and STEVEN SNYDER,
individually and on behalf of their daughter,
Plaintiffs
v.
BLUE MOUNTAIN SCHOOL DISTRICT,
DR. JOYCE E. ROMBERGER, Superintendent Blue
Mountain School District; and JAMES S. MCGONIGLE
Principal Blue Mountain Middle School, both in their
official and individual capacities,
Defendants

ORDER

IT IS HEREBY ORDERED THAT:

1. A Telephonic Case Management Conference will be conducted by the Court on

Thursday, May 10, 2007 at 9:00. Counsel for the plaintiff is responsible for initiating and placing the conference call to Judge Munley's chambers at telephone number (570) 207-5780.

2. In accordance with Fed.R.Civ.P. 26(f) and Local Rule 16.3, lead counsel for each party shall, as soon as practicable and in any event at least five (5) days prior to the Case Management Conference, meet and discuss in good faith the matters set forth on the Joint Case Management Plan, a copy of which is included in our Local Rules of Court and may be obtained from the Clerk's Office.

The completed Joint Case Management Plan must be filed at least five (5) days prior to the Case Management Conference. Sanctions may be imposed if a party or a party's attorney fails to participate in good faith in the conference required by Fed.R.Civ.P. 26(f) and Local Rule 16.3(a). See, e.g., Fed.R.Civ.P. 37(g).

3. The purpose of the Case Management Conference is to discuss all aspects of this case, including any pending motions, as well as a schedule for (a) the completion of discovery, (b) amendment

of pleadings, (c) joinder of parties, (d) filing of motions, and (e) trial. Presently, joinder of third-party defendants is governed by Local Rules 14.1 and 14.2; amendment of pleadings by Fed.R.Civ.P. 15; the filing of pretrial motions by Local Rule 7.1; and the closing of discovery by Local Rule 26. Unless modified at the Case Management Conference, these rules will continue to apply. The subjects for consideration at the Case Management Conference will also include those matters set forth in Fed.R.Civ.P. 16(b) and (c).

4. It is anticipated that, prior to the Case Management Conference, the parties, at a minimum, will have complied with the disclosure requirements of Fed.R.Civ.P. 26(a) so that a reasonable discussion of the merits will take place at the conference. Local Rule 5.4(b) states, "Interrogatories, requests for disclosures, requests for documents, requests for admissions, and answers and responses thereto", i.e. **discovery material**, "shall be served upon other counsel and parties but shall not be filed with the court unless on order of the court...".

5. If the parties agree to refer this matter to a Magistrate Judge for pretrial and trial purposes, they should prepare and return the attached "Notice of Availability of a United States Magistrate Judge to Exercise Jurisdiction" form to Judge Munley's case administrator no later than three (3) days before the scheduled case management conference. The conference will then be cancelled and the case will then be referred to a Magistrate Judge who will re-schedule the case management conference.

6. In accordance with Fed.R.Civ.P. 16(c) and Local Rule 16.2, at least one of the attorneys for each party participating in the Case Management Conference shall be familiar with the case; shall have authority to enter into stipulations and to make admissions regarding all matters that the parties reasonably anticipate may be discussed; and shall have complete settlement authority. If any attorney does not have complete settlement authority, the party or person with full settlement authority shall be available by telephone. Counsel is responsible for notifying the person with settlement authority of the requirements of Local Rule 16.2, as well as the date of the Case Management Conference.

7. It is the affirmative duty of both counsel and the Court to avoid undue cost or delay in

litigation. Counsel are expected to comport themselves in a manner intended to serve the just, speedy and inexpensive determination of this action.

Strict compliance with our Local Rules, including Rules 16.2 (Participants) and 16.3 (Conference of Attorneys), as well as this court's Standing Order #1 concerning conferences, is required. Copies of the Local Rules are available at the Clerk's Office. Failure to comply with the Local Rules may result in the imposition of sanctions.

**s/James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court**

Dated: 4/25/07

UNITED STATES DISTRICT COURT

District of _____

Plaintiff
V.

NOTICE, CONSENT, AND ORDER OF REFERENCE —
EXERCISE OF JURISDICTION BY A UNITED STATES
MAGISTRATE JUDGE

Case Number:

Defendant

**NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION**

In accordance with the provisions of 28 U.S.C. §636(c), and Fed.R.Civ.P. 73, you are notified that a United States magistrate judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withdraws consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of this district court.

CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with provisions of 28 U.S.C. §636(c) and Fed.R.Civ.P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented

Signatures

Date

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

ORDER OF REFERENCE

IT IS ORDERED that this case be referred to _____
United States Magistrate Judge, to conduct all proceedings and order the entry of judgment in accordance with 28 U.S.C.
§636(c) and Fed.R.Civ.P. 73.

Date

United States District Judge

NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF ALL PARTIES HAVE CONSENTED
ON THIS FORM TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE.